

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAM SMITH III,

Plaintiff,

v.

LYNN M. DAVIDSON, ET AL.,

Defendants.

No. 10-13898

District Judge Mark A. Goldsmith

Magistrate Judge R. Steven Whalen

ORDER

Before the Court is Plaintiff Sam Smith's Motion to Compel Discovery [Doc. #35], in which he seeks discovery responses from Defendants Wendling and Messing. These Defendants have responded that while they believe that they mailed their responses, an office fire has since destroyed their copy of the responses. Defendants state that they are in the process of recreating those responses.

Accordingly, Plaintiff's Motion to Compel [Doc. #35] is GRANTED. Defendants Wendling and Messing will recreate their discovery responses and produce them the Plaintiff within 21 days of the date of this Order.

Plaintiff's request for expenses incurred in bringing this motion is DENIED.

IT IS SO ORDERED.

Date: May 8, 2013

s/ R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on May 8, 2013, electronically and/or by U.S. Mail.

s/ Michael Williams

Relief Case Manager for the Honorable

R. Steven Whalen